

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David J. McKeown being duly sworn, depose and state as follows:

1. I am a Special Agent with the United States Secret Service and have been employed as such since March 9, 2005. My responsibilities include the investigation of federal offenses to include, but not limited to, violations involving counterfeit U.S. currency, access device fraud, bank fraud, counterfeit securities, computer fraud, fraudulent negotiation of United States Treasury Checks, and other financial crimes.

2. I am currently assigned to the Boston Field Office's Counterfeit Squad; the squad's primary responsibilities involve the investigation of counterfeit currency, United States Treasury checks, and bank and wire fraud. As such, I am aware that a United States Treasury check is a financial instrument issued by the United States Treasury to provide payment for a specific government benefit. I am also aware that Title 18, United States Code, Section 1344 (Bank Fraud) provides that it is unlawful for anyone to knowingly execute, or attempt to execute, a scheme or artifice to defraud a federally insured financial institution; or obtain any of the monies, funds, credits, assets, securities, or other property owned by, or under the custody or control of said financial institution, by means of false or fraudulent pretenses, representations, or promises.

3. I base this affidavit upon my experience, training, and personal knowledge in discussions and events as described below. I have not included each and every fact known to me concerning this investigation but only that sufficient to provide probable cause to support an application for a criminal complaint charging **ALVIN D. KING**, ("**KING**"), **DOB 06/15/46** with a violation of 18 U.S.C. §1344 (Bank Fraud).

INVESTIGATION

4. On or about December 29, 2003, **KING** opened a personal checking account with Sovereign Bank, a federally insured financial institution. **KING'S** assigned account number was 60704940034. In his application for an account, **KING** provided the phone number 617-838-6960 as his home and business phone number.

5. According to Sovereign Bank records, on or about October 28, 2004, **KING'S** account balance was \$9.31.

6. On October 28, 2004, a United States Treasury check ("Check #1") was mailed from Gardenia, California to the Sovereign Bank branch located at 1 Beacon Street Boston, Massachusetts. This check was deposited into **KING'S** personal checking account. At the time of the deposit into **KING'S** account, the value of Check #1 had been altered from \$763.38 to \$29,410.00. The payee on Check #1 was altered from Fernateresa Reyes of Pasadena, California, to Alvin D. **KING**, 30 Cornhill

Street, Apartment 615, Boston, MA 02108.¹

7. On or about October 29, 2004, **KING** received a facsimile transmission, providing him information needed to conduct a wire transfer of funds to an account held by Junichi Mori.² The destination for these funds was Shinsei Bank in Yokohama, Japan. This facsimile included Mori's name and address, bank name and address, cell phone number, bank account number, bank code and swift code. A copy of the facsimile cover sheet is attached hereto as Exhibit A.

8. Exhibit A fax was sent from Midtown Mailbox and Business Center, 2416 Main Street, Vancouver, British Columbia and bears the facsimile number 888-288-5446.³

¹ On June 15, 2005, Secret Service Agents from the Los Angeles Field Office interviewed Ms. Reyes. Ms. Reyes filed a Financial Management Form 1133 (Claim Form) with the agents stating she had never received the check in question. Additionally, Ms. Reyes told agents she does not know Alvin King and did not give anyone permission to negotiate this check.

² **KING** provided a receipt from Mail Boxes, Etc. in Boston, Massachusetts to Sovereign Bank officials which showed payment for receipt of a facsimile transmission on October 29, 2004. Additionally, in April of 2005, Secret Service Special Agent Matt Aufiero received and reviewed toll records for facsimile number 888-288-5446. On three occasions there is contact between this facsimile number and **KING**'s phone number (617-838-6960). The first contact was May 11, 2004. The second contact was November 1, 2004. The third contact was November 5, 2004.

³ A database search of the Service's Master Central Index computer database indicates that facsimile number 888-288-5446 is linked to no fewer than six Secret Service investigations involving check fraud.

9. On November 1, 2004, **KING** went to the Sovereign Bank branch and successfully wire transferred \$29,000.00 dollars from his Sovereign Bank account 60704940034 to the Shinsei Bank account 0334657 located in Yokohama, Japan. The Shinsei bank account belongs to a Junichi Mori.

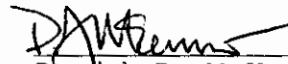
10. The Sovereign Bank Wire Transfer Agreement bears the signature "Alvin **KING**". This signature was compared to handwriting exemplars provided by **KING**. This comparison was made by the Secret Service Forensic Services Division (FSD). Secret Service examiners determined that **KING** wrote the signature appearing on the Wire Transfer Agreement.

11. As a result of the deposit and wire transfer of Check #1, Sovereign Bank suffered an actual loss of \$29,147.03.

12. On November 4, 2004, a second stolen and altered United States Treasury check ("Check #2") was received by the Sovereign Bank branch and deposited into **KING'S** account. Check #2 was mailed from Englewood, California. The payee's name was altered from Dayle C. Houk Martin, Glendale, CA to Alvin D. **KING**. The amount to be paid was altered from \$805.72 to \$24,710.00. Following the deposit of this check, the Federal Reserve Bank informed Sovereign Bank that Checks #1 and #2 were altered. As a result, **KING'S** account was frozen by Sovereign Bank.

13. Based on the above, I believe probable cause exists that on between October 28, 2004 and November 5, 2004, Alvin D.

KING did knowingly execute, and attempt to execute, a scheme and artifice to defraud a federally insured financial institution, to wit, Sovereign Bank, and to obtain any of the monies, funds, credits, assets, securities, or other property owned by, or under the custody or control of said financial institution, by means of false or fraudulent pretenses, representations, or promises in violation of 18 U.S.C. §1344.



David J. McKeown
Special Agent
U.S. Secret Service

Subscribed and sworn to before me
this 9th day of September, 2005


JUDITH GAIL DEIN
UNITED STATES MAGISTRATE JUDGE